



1A/P7 Rec'd PCT/PTO 09 JUN 2006

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Akira NAKAGAWA et al.

Group Art Unit : 1644

Application No.: 10/533,158

Examiner: not known

Filing Date: April 28, 2005

Attorney Docket No.: 7388/84325

Confirmation No.: 2186

Customer No.: 42798

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Date: June 9, 2006

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

(X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under

37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

( ) **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

( ) the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).  
*or*  
( ) the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

( ) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

( ) **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

(X) Copies of the references listed on the enclosed Form SB/08 are enclosed herewith.

(X) A copy of the Supplementary European Search Report is enclosed herewith.

( ) The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

| U.S. APPLICATIONS |                  | Status ( <i>check one</i> ) |         |           |
|-------------------|------------------|-----------------------------|---------|-----------|
| U.S. APPLICATIONS | U.S. FILING DATE | PATENTED                    | PENDING | ABANDONED |
| 1. 10/220,964     | Sept. 6, 2002    |                             | X       |           |
| 2.                |                  |                             |         |           |
| 3.                |                  |                             |         |           |

**Statement under 37 CFR 1.97(e)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ( ) The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- (X) **No fee** is owed by the applicant(s).
- ( ) The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ( ) Attached is a check in the amount of \$180.00.
- ( ) Charge Deposit Account No. 06-1135, under Order No., in the amount of \$0.00. (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

(X) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135 regarding our order number 7388/84325 (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

(X) Credit Account No. 06-1135.  
( ) Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



Kendrew H. Colton  
Registration No. 30,368

*OFFICIAL CORRESPONDENCE TO*  
Customer No. 42798

FITCH, EVEN, TABIN & FLANNERY  
1801 K Street, NW, Suite 401L  
Washington, DC 20006  
Tel: (202) 419-7000  
Fax: (202) 419-7007



|  |                       |  |                    |                  |                |
|--|-----------------------|--|--------------------|------------------|----------------|
| <b>PTO/SB/08a</b><br>Substitute for Form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |                       |  | Application Number | 10/533,158       |                |
|  |                       |  | Filing Date        | April 28, 2005   |                |
|  |                       |  | First Named        | Akira NAKAGAWA   |                |
|  |                       |  | Art Unit           | 1644             |                |
|  |                       |  | Examiner Name      | Not Yet Assigned |                |
| Sheet  | 1                     | of   | 1                  | Attorney Docket  | 7388/84325     |
| <b>NON PATENT LITERATURE DOCUMENTS</b>   |                       |  |                    |                  |                |
| Examiner Initials*   | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  |                    |                  | T <sup>2</sup> |
|  |                       | Kawamoto et al., Association Between Favorable Neuroblastoma and High Expression of the Novel Metalloproteinase Gene, <i>nbla3145/XCE</i> , Cloned by Differential Screening of the Full-Length-Enriched Oligo-Capping Neuroblastoma cDNA Libraries, <i>Medicinal and Pediatric Oncology</i> , 35:628-631 (2000) |                    |                  |                |
|  |                       | Islam et al., High Expression of <i>Survivin</i> , mapped to 17q25, is significantly associated with poor prognostic factors and promotes cell survival in human neuroblastoma, <i>Oncogene</i> , 19:617-623 (Feb. 3, 2000)  |                    |                  |                |
|  |                       | Aoyama et al., High Expression of Human RIM Gene in neuroblastomas with favorable biologies, 31 <sup>st</sup> Annual Meeting of the Society for Neuroscience in San Diego, CA Nov. 10-15, 2001, Society for Neuroscience Abstracts, 27:715 (2001)  |                    |                  |                |
|  |                       | Tang et al., Implications fo EPHB6, EFB2, and EFNB3 expressions in human neuroblastoma, <i>Proceedings of the National Academy of Sciences of the United States of America</i> , 97:10936-10941 (Sept. 26, 2000)   |                    |                  |                |
|  |                       | Homo Sapiens BAC Clone RP11-650J17 from 4, complete sequence, Database EMBL [OnLine], EBI Accession No. EM_PRO:AC093879 (Sept. 11, 2001)   |                    |                  |                |
|  |                       |  |                    |                  |                |
|  |                       |  |                    |                  |                |
|  |                       |  |                    |                  |                |
|  |                       |  |                    |                  |                |
|  |                       |  |                    |                  |                |
|  |                       |  |                    |                  |                |
| Examiner Signature   |                       |  |                    | Date Considered  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.